

US DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE

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MAY 15 2014

U.S. DISTRICT COURT
MID. DIST. TENN.

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.
)

CIVIL ACTION NO.

) Stellar Recovery Group
) Defendants.

Plaintiff's Original Complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Dallas County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248 Nashville, TN 37211
2. The Defendant Stellar Recovery is a debt collector and is operating from 4500 Salisbury Road, Ste 105, Jacksonville, Florida, 32216

Jurisdiction

3. Jurisdiction of this court arises as the acts happened and the contract was breached in this county.
4. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

5. On May 13, 2014, the Plaintiff received an automated call with a pre-recorded message from the defendant. The Plaintiff called the defendant's back and ascertained their identity and sought to understand the point of the call.
6. The Plaintiff then was told by the Defendants that they used an automated telephone dialing system with a pre-recorded message to call his cell phone and that the Defendants could not find an account corresponding with the Plaintiff's phone number to substantiate why they were attempting to call the Plaintiff.
7. The Defendants stated that neither the Plaintiff's name, nor his phone number corresponded to any account they had in their system. The Plaintiff then was questioned about multiple possible addresses that were possibly associated with his name, but none of the addresses were relevant or familiar to the Plaintiff.
8. The Plaintiff then confirmed that the defendants had called his cell phone with an automated telephone dialing system and pre-recorded message for no legitimate reason at all. There was no name, reference, account, or any other linkage between the Plaintiff, his cell phone, address, or any other identifying information and any account in the database for the Defendants.
9. By using an automated telephone dialing system to call the Plaintiff, the defendants violated 47 USC 227.
10. By using a pre-recorded message to call the Plaintiff, the Defendants again violated 47 USC 227, the telephone consumer protection act.
11. By calling the Plaintiff with no legitimate purpose in an attempt to collect a debt, the defendants violated 15 USC 1692 provisions on harassment, engaging in

action they can't legally take, by violating the TCPA, the defendants also violate the FDCPA,

CAUSES OF ACTION:

COUNT I

Violations of the FDCPA 15 USC 1692

The Defendants in their conduct violated the FDCPA

Count II

Violations of the TCPA 47 USC 227

By causing the Plaintiff's cell phone to ring by using an automated telephone dialing system with a pre-recorded message, the defendant's violated the TCPA, twice.

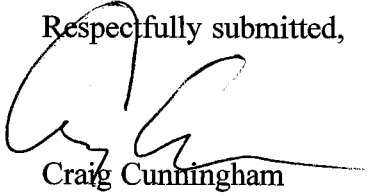
PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants for the following:
- B. Actual damages as determined and statutory damages of \$5000
- C. Pre-judgment interest from the date of the violation
- D. Punitive damages for all claims in the amount of \$50,000
- E. Attorney's fees for bringing this action; and
- F. Costs of bringing this action; and

G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

Craig Cunningham

5543 Edmondson Pike ste 248

Nashville, tn 37211

8282917465

May 14^h 2014

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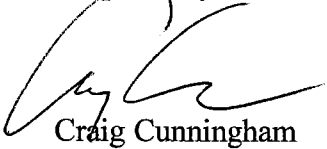
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Craig Cunningham

Plaintiff, Pro-se

Mailing address:

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